

NOTICE OF INTENT TO ISSUE A
BEST AVAILABLE CONTROL
TECHNOLOGY DETERMINATION
PURSUANT TO CONSENT DECREE

Take notice that the North Dakota Department of Health has reevaluated a proposed Best Available Control Technology Determination for the reduction of nitrogen oxides emissions from the Milton R. Young Station near Center, North Dakota. The Best Available Control Technology (BACT) Determination was made in response, and in accordance with, the Consent Decree in the case of the United States of America and the State of North Dakota versus Minnkota Power Cooperative, Inc. and Square Butte Electric Power Cooperative, Civil Action No.: 1:06-CV-034.

In June of 2008, the Department made a preliminary determination that high dust, low dust and tail end selective catalytic reduction were not technically feasible at the M.R. Young Station. Based on the public comments, the Department determined that low dust and tail end SCR are technically feasible. Cost estimates have been provided for low dust and tail end SCR. The Department's preliminary determination is that low dust and tail end SCR do not represent BACT. The Department is seeking comments on those cost estimates and its reasoning for the rejection of low dust and tail end SCR as BACT. Comments will be considered, evaluated, and the BACT determination issued pursuant to the Consent Decree. Comments shall be considered, but dispute resolution is limited to the disputing parties as set forth in the Consent Decree approved by the Court.

A thirty-day public comment period regarding the cost estimates and the Department's preliminary decision regarding low dust and tail end SCR will begin April 11, 2010 and end on May 10, 2010. Comments shall be directed in writing to the North Dakota Department of Health, Terry L. O'Clair, Director, Division of Air Quality, 918 E Divide Avenue, 2nd Floor, Bismarck, North Dakota 58501-1947. The cost estimates, the Department's evaluation and supporting data are available for review at the Department of Health in Bismarck and at www.health.state.nd.us/AQ/notices.htm. A copy of these documents may be obtained by writing the Department of Health at the above-mentioned address or contact the Department at (701)328-5188.

Dated this 6th day of April 2010

Terry L. O'Clair, P.E.
Director
Division of Air Quality